

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

TONI GILLESS,

Plaintiff,

v.

No. 2:17-cv-00931-MV-KRS

SUN LIFE ASSURANCE COMPANY  
OF CANADA,

Defendant.

**ORDER SETTING BRIEFING SCHEDULE**

**THIS MATTER** comes before the Court following a telephonic Rule 16 scheduling conference held on December 5, 2017. The Court, having reviewed the record and conferred with the parties, finds that the claims set forth in Plaintiff's complaint are governed by the Employee Retirement Income Security Act of 1974 ("ERISA").

At the hearing, the parties expressed their intent to attempt to resolve this ERISA action through private negotiations. As discussed on the record, the Court determines that a briefing schedule should be set to ensure that the case moves forward in the event that the parties' negotiations are unsuccessful.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's brief-in-chief is due on or before **March 16, 2018**.
2. Defendant's response is due on or before **April 9, 2018**.
3. Plaintiff's reply, if any, is due on or before **April 24, 2018**.



KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE